

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. _____

UNITED STATES OF AMERICA,

Petitioner,

v.

MARQUIS WILCON,

Respondent.

**PETITION TO DETERMINE
PRESENT MENTAL CONDITION
OF AN IMPRISONED PERSON
DUE FOR RELEASE UNDER 18
U.S.C. § 4246**

The United States of America, by and through the United States Attorney for the District of Minnesota, moves the Court for a hearing on the present mental condition of Respondent MARQUIS WILCON pursuant to 18 U.S.C. § 4246. In support of its petition, the United States of America states as follows:

1. Respondent is incarcerated at the Federal Medical Center in Rochester, Minnesota (FMC Rochester).
2. Respondent was incarcerated for Assault with Significant Bodily Injury, in violation of D.C. Code § 22 -404(a)(2), pursuant to the Judgment in a Criminal Case issued by the Superior Court of the District of Columbia. Respondent is scheduled for release on July 23, 2015. A copy of the Judgment in a Criminal Case and SENTRY Public Information Inmate Data is attached as Exhibit A.
3. Mental health staff at FMC Rochester have examined Respondent. It is the opinion of mental health staff, Dr. Jason Gabel, that Respondent suffers from a mental

disease or defect as a result of which his release from custody would create a substantial risk of bodily injury to another person or serious damage to the property of another. A copy of the Risk Assessment evaluation will be filed under seal as Exhibit B once a judicial assignment is made and an under seal filing order obtained.

4. At present, suitable arrangements for state custody are not available.

5. Attached hereto as Exhibit C is a certificate of Mental Disease or Defect and Dangerousness executed by Michael D. Smith, Warden (Acting) at FMC Rochester.

6. There is clear and convincing evidence that Respondent suffers from a mental disease or defect which would create a substantial risk of bodily injury to another person or serious damage to the property of another if Respondent is released.

WHEREFORE, the United States of America moves this Court to set a time and date for a hearing to determine the present mental condition of Respondent; for an order finding that Respondent continues to suffer from a mental disease or defect; for an order committing Respondent to the custody of the Attorney General for continued hospitalization and treatment pursuant to Title 18 U.S.C. § 4246 until suitable state placement may be found or until Respondents release no longer constitutes a substantial risk of bodily injury to another person or serious damage to the property of another.

Dated: July 20, 2015

ANDREW M. LUGER
United States Attorney

s/ Pamela A. Marentette

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